

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NITE GLOW INDUSTRIES, INC., I DID IT,
INC. and MARNI MARKELL HURWITZ,

Plaintiffs,

-against-

CENTRAL GARDEN & PET COMPANY &
FOUR PAWS PET COMPANY, d/b/a FOUR
PAWS PRODUCTS, LTD,

Defendants.

Honorable Katharine S. Hayden, U.S.D.J.

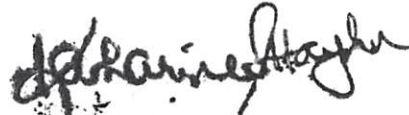
Case No. 2:12-cv-04047 (KSH) (CLW)

ORDER OF JUDGMENT

THIS MATTER having been tried before a jury of eight, the Hon. Katherine S. Hayden, U.S.D.J. presiding, and the jury having heard and deliberated upon the evidence, and having rendered a verdict as set forth on the verdict form attached to this Order of Judgment as Exhibit "A",

IT IS ORDERED AND ADJUDGED THAT:

1. Judgment in the amount of \$825,450.00 be and hereby is entered in favor of Plaintiffs and against Defendants as and for reasonable royalty damages.
2. Judgment in the amount of \$825,450.00 be and hereby is entered in favor of Plaintiffs and against Defendants as and for the claim of breach of the Confidentiality Agreement.
3. Judgment in the amount of \$11,006,000.00 be and hereby is entered in favor of Plaintiffs and against Defendants as and for the claim of misappropriation.
4. The Court shall access prejudgment interest as applicable in an amount to be determined by the Court upon motion by the Plaintiffs.
5. The Court retains jurisdiction over this matter for purposes of post-trial motions to be filed by the parties.



HONORABLE KATHARINE S. HAYDEN, U.S.D.J.

DATED: 7/16/18

EXHIBIT A

JURY VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous.

Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of the Court as our verdict in this case.

Start with Question 1 and work your way through and including Question 9. You must answer all 9 questions below unless directed to skip a question.

Question No. 1:

Did Marni Markell prove that Central induced infringement of claim 1 of the '445 Patent? Answering YES to this question means that you find for Marni Markell. Answering NO to this question means that you find for Central.

YES _____

NO X

Question No. 2:

Did Marni Markell prove that Central contributorily infringed claim 1 of the '445 Patent? Answering YES to this question means that you find for Marni Markell. Answering NO to this question means that you find for Central.

YES X

NO _____

Question No. 3:

Did Marni Markell prove that Central infringed claim 1 of the '445 Patent under 35 U.S.C. § 271(f) based on sales of the Zodiac products in Canada? Answering YES to this question means that you find for Marni Markell. Answering NO to this question means that you find for Central.

YES X NO

If you answered "YES" to any or all of Questions 1, 2, and 3, please answer Question 4 and Question 5 and continue working your way through the remaining questions. If you answered "NO" to all three of Questions 1, 2, and 3, skip Question 4 and Question 5, and please go to and answer Question 6 and continue working your way through the remaining questions.

Question No. 4:

Please state: (a) the amount of total infringing sales; (b) the reasonable royalty rate that would have resulted from the hypothetical negotiation; and (c) the reasonable royalty damages. To calculate the reasonable royalty damages, please multiply the amount of total infringing sales by the reasonable royalty rate.

Total Infringing Sales

\$ 11,006,000

Reasonable Royalty Rate

7.5 %

Reasonable Royalty damages

\$ 825,450

If you find no apportionment is necessary, do not fill in the following portion of Question 4, and go to and answer Question 5.

If you find an apportionment is necessary, fill in the following portion of Question 4, stating: the apportionment rate, and the reasonable royalty damages with apportionment applied. To calculate the reasonable royalty damages with apportionment applied, please multiply the reasonable royalty damages by the apportionment rate.

Apportionment Rate N/A %

Reasonable Royalty Damages with apportionment applied:

\$ _____

Question No. 5:

Did Marni Markell prove that Central's infringement of claim 1 of the '445 patent was willful? Answering YES to this question means that you find for Marni Markell. Answering NO to this question means that you find for Central.

YES X NO _____

Question No. 6:

Did Marni Markell prove that Central breached the Confidentiality Agreement? Answering YES to this question means that you find for Marni Markell. Answering NO to this question means that you find for Central.

YES X NO _____

If you answered "YES" to Question 6, please answer Question 7. If you answered "NO" to Question 6, please skip Question 7, and please go to and answer Question 8 and continue working your way through the remaining questions.

Question 7:

Please state the total dollar amount of damages you find Marni Markell has sustained as the result of Central's breach of the Confidentiality Agreement.

\$ 825,450

Question 8:

Did Marni Markell prove that Central misappropriated her idea? Answering YES to this question means that you find for Marni Markell. Answering NO to this question means that you find for Central.

YES X NO

If you answered "YES" to Question 8, please answer Question 9. If you answered "NO," skip Question 9.

Question No. 9:

If you answered "YES" to Question 8, please state the total dollar amount of damages owed to Marni Markell from Central's misappropriation.

\$ 11,006,000

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Foreperson should then sign and date the verdict form in the spaces below and notify the Courtroom Deputy that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

Date: _____

4/27/18

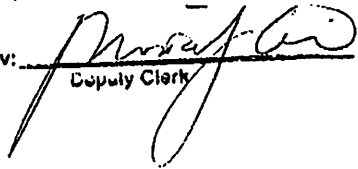

Foreperson

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the original on file in my office.

ATTEST

WILLIAM T. WALSH, Clerk
United States District Court
District of New Jersey

By: _____


Deputy Clerk